IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA Case No.: 1:08-cv-119

EDWARD CARRINGTON, et al.,)
Plaintiffs,))
vs.)
DUKE UNIVERSITY , et al.))
Defendants.))

REPLY MEMORANDUM OF DEFENDANT LINWOOD WILSON IN SUPPORT OF HIS MOTION TO DISMISS

Defendant Linwood Wilson (hereinafter "Wilson"), *prose*, respectfully, submits this, his Reply to the "Plaintiffs' Opposition to Defendant Linwood Wilson's Motion to Dismiss Pursuant to Rule 12(b)(6)." (Doc. No. 94, hereinafter Plaintiffs' Opposition to Wilson's Motion).

In their Complaint, the Plaintiffs had named Linwood Wilson as an individual Defendant in Plaintiffs' claims against him, set out in Counts Eight, Ten, Twenty, Twenty-One, Twenty-Two, Twenty-Three, Twenty-Four, Twenty-Five, Twenty-Six, Twenty-Eight, Twenty-Nine and Thirty. In addition, Counts 22 and 23 listed "All Defendants" as the named Defendants which would presumably have included Linwood Wilson. In the Plaintiffs' Opposition to Defendant Linwood Wilson's Motion to Dismiss Pursuant to Rule 12(b)(6), in their Conclusion, they stated "For the foregoing reasons, Defendant Himan's and Wilson's motions to dismiss should be denied, except that they may be granted with respect to Counts 29-30 and with respect to the official-capacity claims in Counts 8, 10, 20-22, 25-26, and 28, as stated above. (Plaintiff's Opposition to

Wilson's Motion p. 12). This concession effectively removes Linwood Wilson from these counts and the Plaintiffs have agreed that Linwood Wilson's Motion to Dismiss should be granted.

CONCLUSION

For the reasons set forth initially in Linwood Wilson Motion to Dismiss and his Memorandum of Law in Support of (his) Motion to Dismiss; with the consent of the Plaintiffs that his Motion to Dismiss should be granted as to Counts 8, 10, 20-22, 25-26, 28, 29, 30 as set forth above; Linwood Wilson respectfully requests the Court to Dismiss all claims against him, individually, arising out of the Complaint filed against him.

This the 29th day of September, 2008. /S/ Linwood Wilson *Pro Se.* 6910 Innesbrook Way Bahama, NC 27503

Certificate of Service

I hereby certify that I have served a copy of the foregoing Reply Memorandum of Defendant Linwood Wilson in Support of his Motion to Dismiss upon the below listed individuals by electronically filing the document with the Clerk of Court on this date using the CM/ECF system which will send notification of such filing to the following counsel and:

William J. Thomas, II 119 East Main St. Durham, NC 27701 Counsel for Plaintiffs

Charles J. Cooper
David H. Thompson
Brian S. Doukoutchos
Nicole Jo Moss
David M. Lehn
Cooper & Krik, PLLC
1523 New Hampshire Ave., NW
Washington, DC 20036
Counsel for Plaintiffs

J. Donald Cowan, Jr.
Dixie Thomas Wells
Ellis & Winters, LLP
100 N. Greene St., Suite 102
Greensboro, NC 27401
Counsel for Defendants Duke University, Richard H.
Brodhead, Peter Lange, Larry Moneta, John Burness,
Tallman Trask, Suzanne Wasiolek, Matthew
Drummond, Aaron Graves, Robert Dean, Kate
Hendricks, and Victor J. Dzau

Jamie S. Gorelick
Jennifer M. O'Connor
Paul R. Q. Wolfson
Wilmer, Cutler, Pickering,
Hale and Dorr, L.L.P.
1875 Pennsylvania Ave., NW
Washington, DC 20006
Counsel for Defendant Duke University, et al.

William F. Lee
Wilmer, Cutler, Pickering, Hale
& Dorr, LLP
60 State St.
Boston, MA 02109
Counsel for Defendant Duke University, et al.

Dan J. McLamb
Shirley M. Pruitt
T. Carlton Younger, III
Yates, McLamb & Weyher, L.L.P.
P. O. Box 2889
Raleigh, NC 27602-2889
Counsel for Defendants Duke University Health
System, Inc., Tara Levicy and Theresa Arico

Reginald B. Gillespie, Jr. Faison & Gillespie P. O. Box 51729 Durham, NC 27717 Counsel for Defendant City of Durham

Joel M. Craig Henry W. Sappenfield Kennon, Craver, Belo, Craig & McKee, PLLC P. O. Box 51579 Durham, NC 27717-1579 Attorneys for Defendant Benjamin Himan

Patricia Kerner
D. Martin Warf
Hannah G. Styron
Troutman Sanders, LLP
434 Fayetteville St., Suite 1900
Raleigh, NC 27601
Attorneys for Defendants Patrick Baker, Steven
Chalmers, Ronald Hodge, Lee Russ, Stephen Mihaich,
Beverly Council, Jeff Lamb and Michael Ripberger